

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application by Pacific Bell Telephone Company
d/b/a SBC California (U 1001 C) for Arbitration
of an Interconnection Agreement with MCImetro
Access Transmission Services LLC (U 5253 C)
Pursuant to Section 252(b) of the
Telecommunications Act of 1996.

Application 05-05-027
(Filed May 20, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING CURRENT ICA**

Parties agree that the rates, terms and conditions in the existing Interconnection Agreement (ICA) should be given considerable weight in this arbitration. For example, SBC California (SBC-CA) says that the burden of proof rests with the party proposing a change. MCImetro Access Transmission Services LLC (MCIIm) states that the existing ICA is prima facie evidence of just and reasonable outcomes. Thus, parties agree that the language in the existing ICA should continue absent a compelling reason to justify departure, such as a change of law or material fact.¹ (SBC-CA Opening Brief, page 7; MCIIm Opening Brief, page 9.) Given the role of the existing ICA, it will assist the Commission if parties provide the following.

¹ Alternatively, MCIIs says "the Commission should adopt the proposed language for disputed issues that most closely adheres to the provisions of the existing ICA." (MCIIm Opening Brief, page 9.)

IT IS RULED that within three days of the date of this ruling:

1. SBC California (SBC-CA) shall serve one copy of the existing ICA on me, and two copies on Telecommunications Division.

2. Each party shall complete the attached table by placing an “X” in Column A if its proposed dueling clause language is the same language as in the existing ICA, or an “X” in column B if its proposed dueling clause language is a modification or departure from language in the current ICA. Each party may also provide other information with Table 1 as necessary to make it complete (e.g., may provide footnotes or attachments as necessary with additional explanation regarding its answers). SBC-CA shall combine the responses, and shall file and serve the completed Table 1.

Dated November 8, 2005, at San Francisco, California.

/s/ BURTON W. MATTSON

Burton W. Mattson
Administrative Law Judge

TABLE 1

**DUELING CLAUSE LANGUAGE
COMPARED TO LANGUAGE IN EXISTING ICA**

LINE NO.	ISSUE	SBC-CA		MCIIm	
		A	B	A	B
1	GT&C 3				
2	GT&C 5				
3	GT&C 6				
4	GT&C 7				
5	GT&C 8				
6	GT&C 9				
7	GT&C 10				
8	Def 3				
9	NIM 4				
10	NIM 5				
11	NIM 8				
12	NIM 9				
13	NIM 11				
14	NIM 12				
15	NIM 13				
16	NIM 14				
17	NIM 15				
18	NIM 17				
19	NIM 20				
20	NIM 21				
21	NIM 22				
22	NIM 23				
23	NIM 24				
24	NIM 25				
25	NIM 26				
26	NIM 28				

LINE NO.	ISSUE	SBC-CA		MCIm	
		A	B	A	B
27	INV 1				
28	INV 2				
29	INV 3				
30	INV 4				
31	OSS 1				
32	OSS 3				
33	PM1				
34	Resale 1				
35	Resale 5				
36	xDSL 2				
37	xDSL 3				
38	xDSL 5				
39	Recip Comp 2				
40	Recip Comp 4				
41	Recip Comp 5				
42	Recip Comp 6				
43	Recip Comp 7				
44	Recip Comp 8				
45	Recip Comp 9				
46	Recip Comp 13				
47	Recip Comp 14				
48	Recip Comp15				
49	Recip Comp 16				
50	Recip Comp 17				
51	Recip Comp 18				
52	UNE 1				
53	UNE 2				
54	UNE 3				

LINE NO.	ISSUE	SBC-CA		MCIm	
		A	B	A	B
55	UNE 5				
56	UNE 6				
57	UNE 7				
58	UNE 8				
59	UNE 19				
60	UNE 24				
61	UNE 40				
62	Phy Collo 1				
63	Phy Collo 2				
64	Phy Collo 3				
65	Phy Collo 4				
66	Phy Collo 5				
67	Phy Collo 6				
68	Vir Collo 1				
69	Vir Collo 2				
70	Vir Collo 3				
71	Vir Collo 5				
72	Vir Collo 6				
73	Pricing App 2				
74	Pricing App 4				
75	Pricing App 7				
76	Pricing Sch 24				
77	Pricing Sch 25				
78	Pricing Sch 26				
79	Pricing Sch 27				
80	Pricing Sch 28				
81	Pricing Sch 30				
82	Pricing Sch 31				
83	Pricing Sch 44				
84	Pricing Sch 50				

A = Proposed language is the same as in the current ICA.

B = Proposed language is a modification or departure from language in the current ICA.

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Current ICA on all parties of record in this proceeding or their attorneys of record.

Dated November 8, 2005, at San Francisco, California.

/s/ TERESITA C. GALLARDO
Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.